

REMARKS

This amendment is in response to the Office Action of August 25, 2004. Claims 1 through 20 are currently pending in the application. Claims 1, 18 and 20 are amended herein.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on Gase (U.S. Patent 6,184,996)

Claims 1 through 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gase (U.S. Patent 6,184,996). Applicant notes that the Gase reference is not an appropriate 102(b) reference and assumes that the Examiner intended Gase to be a 102(e) reference.

Applicant asserts that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

After carefully considering the cited prior art and the Examiner's comments, Applicant asserts that each and every element set forth in the instant claims is not found in the Gase reference. As such, Gase fails to anticipate independent claims 1 through 20.

Regarding independent claims 1, 17, and 20 of the instant application, Gase does not identically describe communicating at least one data download command for said data from said web server to a *responsive remote server* supporting said network address; downloading said data specified by said network address *via said responsive remote server*. Gase fails to identically describe requesting and downloading data via a remote server. Gase describes a Browser procedure enabling the printer, *via the WWW* to access a print job on a client processor by using a specified URL (column 3, lines 16-18). Gase also describes a local server procedure within the printer (column 3, lines 13-14). However, Gase contains no description whatsoever of requesting and downloading data from a remote server.

Furthermore, regarding claims 1, 17, and 20, Gase does not identically describe receiving said downloaded data by said web server; and storing said downloaded data in memory of said printer. Gase describes a printer with a job queue manager that maintains a job list that lists the URLs for each print job (column 3, lines 57-60). In Gase, the actual print job remains stored on the client processor and is not downloaded or stored to the printer.

Specifically, regarding the element of the invention of independent claim 17 calling for “a web-based device adapted to send data download requests to said web server for data associated with said at least one remotely located data server,” Gase clearly fails to identically describe a web-based devise for sending data download requests to a printer imbedded web server for data stored or accessed by a remotely located data server.

Regarding claim 20, Gase does not expressly or inherently identically describe the elements of the claimed invention calling for “scheduling a data download request via an SMTP client of a web-based device by specifying to said embedded web server at least one network address.” While Gase describes a print job queue listing the URLs of specific print jobs located on client processors (column 3, lines 24-30). Gase fails to identically describe using an SMTP e-mail protocol of a web-based device to communicate with the printer imbedded web server for the purpose of scheduling data downloads from a remote data server as designated by a remote network address.

Therefore, the cited Gase reference fails to anticipate under 35 U.S.C. § 102 the inventions of independent claims 1, 17, and 20 of the instant application. Applicant asserts that independent claims 1, 17, and 20 are clearly allowable as well as dependent claims 2 through 16, 18, and 19 therefrom.

Specifically, for claim 3: “The method of claim 2, wherein said URL is sent over said network by and SMTP client of a web-based device.” Gase nowhere describes a URL sent over a network with an SMTP client.

Regarding claim 4: “The method of claim 3, wherein initiating a data download request comprises specifying data download scheduling instructions to said web server via said SMTP client, and wherein initiating a data download request comprises initiating said data download request pursuant to said data download scheduling instructions.” Gase fails to describe specifying data download scheduling instruction to a printer imbedded web server via an SMTP client.

Regarding claim 5: “The method of claim 4, wherein specifying data download scheduling instructions comprises scheduling said data downloads to occur at a plurality of regular intervals.” Nowhere does Gase describe scheduling data downloads at a plurality of regular intervals. In contrast to the claimed invention, Gase describes a print job queue holding print job URLs in their priority order. However, Gase does not describe regularly

scheduled downloads of data from a remote server as disclosed in the instant claims.

Regarding claim 6: Gase contains no description whatsoever of, "scheduling said initiating a download requests at times of nonpeak internet activity." Gase describes a job detail page enabling a certain client processor to exert control over the print job queue. However, this fails to describe expressly or inherently the element of the invention calling for "a download requests at times of nonpeak internet activity."

Regarding claim 7: again Gase fails to describe or make any reference to an SMTP client comprising conventional e-mail software.

Regarding claim 11: While Gase describes a job detail page enabling control of the print job queue (column 4, lines 37-47), Gase does not describe the element of the claimed invention calling for "initiating a data download request comprises specifying data download scheduling instructions into at least one of said plurality of open data fields".

Regarding claim 18: Gase does not describe the element of the claimed invention calling for "data download requests to said web server via an SMTP client." Gase contains no description or mention of an SMTP client whatsoever.

In summary, based on the foregoing, the Gase reference fails to anticipate or exactly or inherently disclose each and every element as set forth in claims 1 through 20 under 35 U.S.C. § 102. Therefore, Applicant requests the allowance of rejection of claims 1 through 20.

CONCLUSION

Applicant submits that claims 1 through 20 are allowable over the cited prior art for the reasons set forth herein. Applicant requests the allowance of claims 1 through 20 and the case passed for issue. Should the Office determine that additional issues remain which might be resolved by a telephone conference, it is respectfully invited to contact applicant's undersigned attorney.

Respectfully submitted,



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Date: November 18, 2004

JRD/YMC:dlm